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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 VAN HUA,

9 Plaintiff,

10 v.

11 BOEING CORPORATION, *et al.*,

12 Defendants.
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No. C08-0010RSL

ORDER GRANTING IN PART
PLAINTIFF'S MOTION TO EXTEND
DISCOVERY DEADLINE

14 This matter comes before the Court on plaintiff's "Motion to Extend Discovery
15 Deadline" (Dkt. # 14) and defendants' "Motion for Entry of a Protective Order" (Dkt. # 25).
16 Plaintiff served interrogatories and requests for production of documents on November 11, 2008,
17 twenty-six days before discovery closed on December 7, 2008. Plaintiff seeks an extension of
18 the discovery deadline to give defendants sufficient time to respond to the discovery requests.
19 Defendants oppose an extension and seek a protective order absolving them of any obligation to
20 respond to the outstanding discovery.

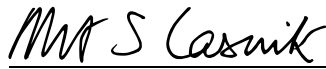
21 There is no doubt that plaintiff's discovery requests were untimely: because they
22 were served less than thirty days before the Court-ordered close of discovery, defendants'
23 responses were not due until after discovery had ended. The question before the Court is
24 whether there is good cause to extend the discovery deadline. Plaintiff's counsel asserts that she
25 believed the discovery requests at issue had been served on defendants in September 2008, and
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MOTION TO EXTEND DISCOVERY DEADLINE

1 that it was not until she inquired about the “late” responses that she learned her mistake. The
2 exchange of e-mails between counsel is consistent with her account. Although counsel’s
3 mistake is regrettable, it does not appear to evince bad faith or dilatory tactics, the four-day delay
4 is minimal, and defendants will not be surprised by any documents they produce (since they
5 already have them in their possession).¹

6 Plaintiff has not, however, justified a universal extension of the discovery
7 deadline. His motion to extend discovery (Dkt. # 14) is therefore GRANTED in part and
8 DENIED in part. Defendants shall respond to the outstanding discovery requests on or before
9 February 20, 2009. No additional discovery shall be propounded at this point. Defendants’
10 related motion for protective order (Dkt. # 25) is DENIED.

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12 Dated this 2nd day of February, 2009.

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14 Robert S. Lasnik
15 United States District Judge
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25 ¹ In their motion for protective order, defendants argued only that the discovery requests were
26 untimely. The Court has not considered their arguments, offered for the first time in reply, that the
requests are unduly burdensome or that prejudice will result if they are required to respond.